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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/069,028

06/26/2002

Pierre Roger

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7590

07/06/2004

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12400 Wilshire Boulevard  
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EXAMINER

BRINSON, PATRICK F

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

cl 8

## Office Action Summary

Application No.

10/069,028

Applicant(s)

ROGER ET AL.

Examiner

Patrick F. Brinson

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 7-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 7-14 have not been further treated on the merits.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities: Claim 1 recites “the assembly zone” without proper antecedent basis. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in reciting that in their final relative positions the tubes are continuous or quasis-continuous, and if any gap remains, it is filled with an adhesive.

It is not made clear whether or not the pipe has a gap, and therefore is not clear whether or it the tube possesses an adhesive or sealing compound.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 3,492,029 to **French et al.**

The patent to **French et al.** discloses a thermally insulated pipe including two pipes (4) and (34) that are mechanically assembled with insulating and sealing coatings (48) and (10), respectively. The coatings shaped and dimensioned such that in predetermined final relative positions, they are continuous, as recited in claim 1. The coatings are shaped to present front end joint surfaces that are sloped, as recited in claim 2. The coatings are formed of an elastomeric material, such as a suitable heat and ozone resistant rubber, and are shaped to present respective overlapping surfaces of notched surfaces, such

that the end of coating (48) may fit into the end of coating (10), as recited in claim 4.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 4,415,184 to **Stephenson et al.** in view of US 3,731,710 to **Bauer et al.**

The patent to **Stephenson et al.** discloses a high temperature insulated pipe, including two metal tubes (14A, 14B) capable of mechanically assembled with threaded ends, and including individual insulating and sealing coatings (34A, 34B) that are shaped and assembled such that they are quasi-continuous, having a gap therebetween that is filled by gap insulation member (36). The coatings are shaped to present facing front joint surfaces that are plane and parallel, extending perpendicularly to the axis of the tube. **Stephenson et al.** does not disclose filling the gap with an adhesive or sealing compound. The patent to **Bauer et al.** discloses a similar insulated pipe formed of two pipes (10) that are welded. **Bauer et al.** discloses the insulating and sealing coatings (32) on the

outer surfaces of the pipes, and including a gap therebetween. **Bauer et al.** discloses filling the gap with sealing compound (48). It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the gap insulation of **Stephenson et al.** a sealing compound, as suggested by **Bauer et al.** in order to provide an alternative sealing means between the ends of the insulating coatings, wherein they functional equivalents known in the art for effectively sealing any openings between the insulating material.

#### *Allowable Subject Matter*

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

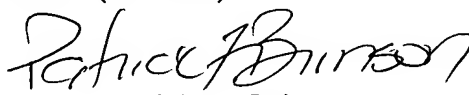
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Stonitsch et al., Marks et al., McStravick et al.,

Greenfield, Richards et al., Hallerstrom et al., Neal et al., Stalder, Alexandru, Gibson et al., Cook, and Brady et al., are all pertinent to Applicant's invention in disclosing connected pipes including insulation and sealing coatings on the surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Patrick F. Brinson** whose telephone number is (703) 308-0111. The examiner can normally be reached on M-F 7:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Y. Mar** can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrick F. Brinson  
Primary Examiner  
Art Unit 3752